

## **REMARKS**

This Amendment is responsive to the Office Action identified above, and is further responsive in any other manner indicated below.

## **PENDING CLAIMS**

Claims 1-3 and 5-15 were pending in the application at the time of the Office Action. Unrelated to any prior art, scope or rejection, appropriate Claims have been amended, added or deleted in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, the amendments to the claims are unrelated to any prior art or scope adjustment, and are simply clarified claims in which Applicant is presently interested. At entry of this paper, Claims 1-3 and 5-15 remain pending.

## **CLAIM OBJECTIONS OBTIATED VIA CLAIM AMENDMENT**

Claim 3 was objected to because of the Office Action concerns listed at Item 10 on page 3 of the Office Action. As amendments to both Claims 2 and 3 have been made where appropriate in order to address the Office Action concerns, reconsideration and withdrawal of the claim objection are respectfully requested.

## **REWRITTEN ALLOWABLE CLAIMS**

Claim 2 was indicated as being allowable if rewritten as indicated at item 15 on page 9 of the Office Action, and such claim has been so rewritten, and further, has been minorly amended in a manner believed not to affect an allowability thereof (as was noted at Item 10 on page 3 of the Action with regard to Claim 3). Renewal of

the allowance is respectfully requested. Applicant and the undersigned respectfully thank the Examiner for such indication of allowable subject matter.

#### **ALLOWABLE CLAIMS DUE TO CHANGE IN DEPENDENCY**

Unrelated to any prior art rejections (e.g., to clarify and/or refocus Applicant's claims), Claim 3 has been amended to depend from Claim 2, and owing to dependency from such allowable claim, Claim 3 should likewise be allowable over the prior art of record, and any prior art rejections regarding such claims have become obsolete at this time. Accordingly, reconsideration and express written allowance of such claims are respectfully requested.

#### **RESTRICTION/ELECTION REQUIREMENT - TRAVERSED**

A restriction/election requirement was made in the 3 June 2004 Action for the reasons given at Item 1 on page 2 of the Office Action (although there appear to be two instances in Item 1 where the Action indicates that Claims 5-11 are withdrawn, it is presumed by Applicant that such are clerical errors and that Claims 5-15 are actually withdrawn). Applicant respectfully traverses the requirement, as follows.

#### **RELATED INVENTIONS - NO SERIOUS BURDEN FOR EXAMINATION**

As traversal, presuming *arguendo* that one could establish that the subject matter recited in the claims in issue relating to the respective embodiments of the present invention relate to independent and distinct inventions as required by 35 USC §121, it is pointed out in MPEP §803 that, if a search and an examination of an

entire application can be made without serious burden, the Examiner must examine the entire application on the merits even though the application may include claims to distinct or independent inventions. In view of the fact that all claims are directed to secure communications between servers/domain name systems and arrangements for public key management, and given the fact that Applicant's claims contain similar, analogous and/or overlapping limitations, it is respectfully submitted that search and examination of all claims would not create a serious burden on the part of the United States Patent and Trademark Office. Accordingly, the restriction/election should be withdrawn and the Examiner must examine the entire application.

#### **PROVISIONAL ELECTION**

In order to comply with the election of species requirement, Applicant provisionally concedes, with traverse, to the indication in the 3 June 2004 Office Action of prosecution on the merits of Claims 1-3 and withdrawal of Claims 5-15.

#### **NO ADMISSION - RESTRICTION/ELECTION**

Applicant submits that the instant response (including the comments submitted and the provisional election) is not an admission on the record that the respective species are separately distinct species and/or obvious variants.

#### **POSSIBLE CLAIM CANCELLATION IF IN CONDITION FOR ALLOWANCE**

If after review of this paper, the restriction/election is found to still stand and the application otherwise in condition for allowance, the Examiner is invited to

telephone the undersigned at the local D.C. area number of 703-312-6600, to inquire as to whether Applicant would be agreeable to cancel the disputed claims in order quickly to move the application to allowance. The above statements, or the cancellation of any disputed claims, should not be taken as an indication or admission that the rejection was valid, but is merely use of a procedural approach to obviate the rejection.

**CONTINUATION(S)/DIVISIONAL(S) FOR NON-ELECTED SUBJECT MATTER**

Despite any traversal set forth in other parts of this paper regarding any Restriction/Election, one or more continuation/divisional application is being filed to pursue subject matter not elected in the present application. Applicant submits that any filing of continuation(s)/divisional(s) should not be taken as any prejudice, admission or disclaimer that the Restriction/Election is correct, but instead, is merely use of separate applications to move the other subject matter through the patenting process.

**CONTINUATION(S)/DIVISIONAL(S) - DOUBLE PATENTING PROHIBITED**

Regarding any related continuation/divisional application(s) filed to pursue subject matter identical to or consonant with Restriction/Election subject matter not elected in the present application, it is respectfully submitted that the third sentence of 35 U.S.C. 121 and MPEP 804.01 prohibit any double-patenting rejection between this and the related continuation/divisional applications.

**REJECTION UNDER 35 USC § 103 (CLAIM CANCELED)**

The prior art rejection of Claims 1 and 3 as being unpatentable over Perlman (US 5,455,865 A) in view of Zdepski et al. (US 5,825,865 A)) is respectfully traversed.

Despite the above strong traversal, the present cancellation of rejected Claim 1 (without prejudice or disclaimer) to move Claims 2 and 3 to immediate allowance has rendered such rejection and the traversal arguments therefor obsolete at this time. Accordingly, further discussions/arguments may best be left for any future applications and/or litigation. Accordingly, reconsideration and withdrawal of such §103 rejection is respectfully requested.

**RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **EXAMINER INVITED TO TELEPHONE**

The Examiner is invited to telephone the undersigned at the local D.C. area telephone 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

Attached hereto is a Petition For Extension Of Time. To whatever other extent is actually required, Applicant respectfully petitions the Commissioner for an extension of time under 37 CFR §1.136. Also attached hereto is a Form PTO-2038 authorizing payment of the Petition fee (Fee Code 1251). Please charge any shortage in the fees due in connection with the filing of this paper to ATS&K Deposit Account No. 01-2135 (referencing Case No. 500.38618X00).

Respectfully submitted,



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Attachments:

Petition For Extension Of Time  
Form PTO-2038 (Fee Code 1251)